

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KENNETH L. HOLLAND,)	
)	
Plaintiff,)	
)	
v.)	C. A. No. 05-464-SLR
)	
STANLEY TAYLOR, et al.,)	
)	
Defendants.)	

DEFENDANTS' MOTION TO ENLARGE TIME TO FILE SUMMARY JUDGMENT MOTION

Pursuant to Federal Rule of Civil Procedure 6(b), Defendants, by the undersigned counsel, hereby move to enlarge time within which to file a Motion for Summary Judgment and Opening Brief and in support thereof state as follows:

1. Pursuant to this Court's Order dated April 25, 2006, summary judgment motions are due September 25, 2006. [D.I. 36].
2. The parties to this action have informally agreed to an extension until November 15, 2006 for the exchange of discovery responses. *See* Exhibit A attached hereto.
3. In the interests of ensuring that briefing on summary judgment is based on a complete record, Defendants request that the deadline for summary judgment motions be extended until November 30, 2006, with answering briefs due December 30, 2006 and reply briefs due January 12, 2007.
4. Because there is no trial date set in this matter, the extension requested will not adversely impact the progress of this action.

WHEREFORE, Defendants respectfully request that this Court grant their Motion to Enlarge Time to File a Summary Judgment Motion.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Eileen Kelly
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Attorney for Defendants

Dated: September 15, 2006

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7.1.1 CERTIFICATE OF COUNSEL

Undersigned counsel hereby certifies, pursuant to Local Rule 7.1.1, that:

1. Plaintiff Kenneth L. Holland is currently incarcerated and it is not practical for undersigned counsel to communicate with him concerning Defendants' Motion to Enlarge Time prior to the September 25, 2006 deadline.
2. Therefore, undersigned counsel assumes that the Motion is opposed.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

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ORDER

IT IS SO ORDERED, this _____ day of _____, 2006, that Defendants' Motion to Enlarge Time to File a Summary Judgment Motion is hereby **GRANTED**, and Motions for Summary Judgment, with Opening Briefs, are due November 30, 2006, with Answering Briefs due December 30, 2006 and Reply Briefs due January 12, 2007.

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2006, I electronically filed *Defendants' Motion to Enlarge Time to File Summary Judgment Motion* with the Clerk of Court using CM/ECF. I hereby certify that on September 15, 2006, I have mailed by United States Postal Service, the document to the following non-registered party: Kenneth L. Holland.

/s/ Eileen Kelly
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